

**Introduced by Senator Hancock  
(Coauthors: Senators DeSaulnier, Denham, Liu, and Strickland)**

February 10, 2010

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An act to amend Sections 82023, 82024, 82036, 82036.5, 84101, 84200.5, 84215, and 85204 of, to add Section 84200.9 to, and to repeal and add Section 84225 of, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1007, as introduced, Hancock. Political Reform Act of 1974: retirement system boards.

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing and requires candidates for elective office, candidates for elective state office, and committees formed or existing primarily to support or oppose those candidates to file specified reports disclosing contributions and independent expenditures made in connection with the campaigns of those candidates.

Existing law further establishes the Board of Administration of the Public Employees' Retirement System to administer the Public Employees' Retirement System and the Teachers' Retirement Board to administer the State Teachers' Retirement System. Existing law specifies the composition of those boards and requires that designated positions on the boards be filled by election. With limited exception, as specified, candidates for election to those boards are not required to comply with the various reporting requirements imposed by the Political Reform Act of 1974.

This bill would revise the definitions of "elective office" and "elective state office" for purposes of the Political Reform Act of 1974 to include membership on the boards described above and would repeal the

provision that exempts from the act candidates for election to those boards, thereby subjecting those candidates, and committees formed or existing primarily to support or oppose those candidates, to the reporting requirements of the act. The bill would further make conforming changes to provisions of the act relating to the reporting of late contributions, the reporting of late independent expenditures, the filing of committee organization statements, and the filing of campaign statements and preelection statements. In addition, the bill would give the Fair Political Practices Commission the authority to adopt regulations to tailor the act's reporting and disclosure requirements for those candidates and committees consistent with the purposes and provisions of the act.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 82023 of the Government Code is  
2 amended to read:  
3 82023. "Elective office" means any state, regional, county,  
4 municipal, district or judicial office ~~which~~ *that* is filled at an  
5 election. "Elective office" also includes membership on a county  
6 central committee of a qualified political party, and ~~members~~  
7 ~~elected to membership through election on~~ the Board of  
8 Administration of the Public Employees' Retirement System *or*  
9 *the Teachers' Retirement Board.*

SEC. 2. Section 82024 of the Government Code is amended to read:

82024. “Elective state office” means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Member of the Legislature, member elected to the Board of Administration of the Public Employees’ Retirement System, *member elected to the Teachers’ Retirement Board*, and member of the State Board of Equalization.

SEC. 3. Section 82036 of the Government Code is amended to read:

82036. “Late contribution” means any of the following:

(a) Any contribution, including a loan, that totals in the aggregate one thousand dollars (\$1,000) or more ~~that~~ *and* is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure before the date of the election at which the candidate or measure is to be voted on but after the closing date of the last campaign statement required to be filed before the election. *For purposes of the Board of Administration of the Public Employees’ Retirement System and the Teachers’ Retirement Board, “the date of the election” is the deadline to return ballots.*

(b) Any contribution, including a loan, that totals in the aggregate one thousand dollars (\$1,000) or more ~~that~~ *and* is made to or received by a political party committee, as defined in Section 85205, before the date of any state election; but after the closing date of the last campaign statement required to be filed before the election.

SEC. 4. Section 82036.5 of the Government Code is amended to read:

82036.5. “Late independent expenditure” means any independent expenditure ~~which~~ *that* totals in the aggregate one thousand dollars (\$1,000) or more and is made for or against any specific candidate or measure involved in an election before the date of the election but after the closing date of the last campaign statement required to be filed prior to the election by a candidate or committee participating in ~~such~~ *the* election. *For purposes of the Board of Administration of the Public Employees’ Retirement System and the Teachers’ Retirement Board, “the date of the election” is the deadline to return ballots.*

1 SEC. 5. Section 84101 of the Government Code is amended  
2 to read:

3 84101. (a) A committee that is a committee by virtue of  
4 subdivision (a) of Section 82013 shall file ~~with the Secretary of~~  
5 ~~State~~ a statement of organization ~~within 10 days after it has~~  
6 ~~qualified as a committee~~. The committee shall file the original of  
7 the statement of organization with the Secretary of State and shall  
8 also file a copy of the statement of organization with the local  
9 filing officer, if any, with whom the committee is required to file  
10 the originals of its campaign reports pursuant to Section 84215.  
11 The original and copy of the statement of organization shall be  
12 filed within 10 days after the committee has qualified as a  
13 committee. The Secretary of State shall assign a number to each  
14 committee that files a statement of organization and shall notify  
15 the committee of the number. The Secretary of State shall send a  
16 copy of statements filed pursuant to this section to the county  
17 elections official of each county ~~which~~ *that* he or she deems  
18 appropriate. A county elections official who receives a copy of a  
19 statement of organization from the Secretary of State pursuant to  
20 this section shall send a copy of the statement to the clerk of each  
21 city in the county that he or she deems appropriate.

22 (b) In addition to filing the statement of organization as required  
23 by subdivision (a), if a committee qualifies as a committee under  
24 subdivision (a) of Section 82013 before the date of an election in  
25 connection with which the committee is required to file preelection  
26 statements, but after the closing date of the last campaign statement  
27 required to be filed before the election pursuant to Section 84200.7  
28 ~~or~~, 84200.8, *or* 84200.9, the committee shall file, by facsimile  
29 transmission, guaranteed overnight delivery, or personal delivery  
30 within 24 hours of qualifying as a committee, the information  
31 required to be reported in the statement of organization. The  
32 information required by this subdivision shall be filed with the  
33 filing officer with whom the committee is required to file the  
34 originals of its campaign reports pursuant to Section 84215.

35 (c) If an independent expenditure committee qualifies as a  
36 committee pursuant to subdivision (a) of Section 82013 during the  
37 time period described in Section 82036.5 and makes independent  
38 expenditures of one thousand dollars (\$1,000) or more to support  
39 or oppose a candidate or candidates for office, the committee shall  
40 file, by facsimile transmission, online transmission, guaranteed

overnight delivery, or personal delivery within 24 hours of qualifying as a committee, the information required to be reported in the statement of organization. The information required by this section shall be filed with the filing officer with whom the committee is required to file the original of its campaign reports pursuant to Section 84215, and ~~to file~~ *shall be filed* at all locations required for the candidate or candidates supported or opposed by the independent expenditures. The filings required by this section are in addition to filings that may be required by Sections 84203.5 and 84204.

(d) For purposes of this section, in calculating whether one thousand dollars (\$1,000) in contributions has been received, payments for a filing fee or for a statement of qualifications to appear in a sample ballot shall not be included if these payments have been made from the candidate's personal funds.

SEC. 6. Section 84200.5 of the Government Code is amended to read:

84200.5. In addition to the campaign statements required by Section 84200, elected officers, candidates, and committees shall file preelection statements as follows:

(a) During an even-numbered year, all candidates for elective state office being voted upon in the statewide direct primary election or the statewide general election, their controlled committees, and committees primarily formed to support or oppose an elected state officer or a state candidate being voted upon, shall file the applicable preelection statements specified in Section 84200.7 or 84200.8. All elected state officers who, during the applicable reporting periods covered by Section 84200.7 or 84200.8, contribute to any committee required to report receipts, expenditures, or contributions pursuant to this title, or make an independent expenditure, shall file the applicable preelection statements specified in Section 84200.7 or 84200.8. However, a candidate ~~who~~ *who for an office that* is not being voted upon in the November election, his or her controlled committee, and any committee primarily formed to support or oppose that candidate is not required to file statements in connection with the November election pursuant to subdivision (b) of Section 84200.7 unless, during the reporting periods covered by Section 84200.7, the candidate, his or her controlled committee, or any committee primarily formed to support or oppose that candidate contributes

1 to any committee required to report receipts, expenditures, or  
2 contributions pursuant to this title or makes independent  
3 expenditures.

4 (b) During an even-numbered year, all candidates not specified  
5 in subdivision (a) who are *running for offices* being voted upon  
6 on the first Tuesday after the first Monday in June or November,  
7 their controlled committees, and committees primarily formed to  
8 support or oppose those candidates or a measure being voted upon  
9 on the first Tuesday after the first Monday in June or November  
10 of an even-numbered year shall file the preelection statements  
11 specified in subdivision (a) of Section 84200.7 in the case of a  
12 June election, or subdivision (b) of Section 84200.7 in the case of  
13 a November election.

14 (c) All candidates *for offices* being voted upon on a date other  
15 than the first Tuesday after the first Monday in June or November  
16 of an even-numbered year, their controlled committees, and  
17 committees primarily formed to support or oppose a candidate or  
18 a measure being voted upon on a date other than the first Tuesday  
19 after the first Monday in June or November of an even-numbered  
20 year shall file the preelection statements specified in Section  
21 84200.8.

22 (d) *During an election period for the Board of Administration*  
23 *of the Public Employees' Retirement System or the Teachers'*  
24 *Retirement Board, all candidates for these boards, their controlled*  
25 *committees, and committees primarily formed to support or oppose*  
26 *the candidates shall file the preelection statements specified in*  
27 *Section 84200.9.*

28 ~~(d)~~

29 (e) In an even-numbered year in which the statewide direct  
30 primary election is held on the first Tuesday after the first Monday  
31 in June, a state or county general purpose committee formed  
32 pursuant to subdivision (a) of Section 82013, other than a political  
33 party committee as defined in Section 85205, shall file the  
34 preelection statements specified in Section 84200.7 if it makes  
35 contributions or independent expenditures totaling five hundred  
36 dollars (\$500) or more during the period covered by the preelection  
37 statement. A state or county general purpose committee formed  
38 pursuant to subdivision (b) or (c) of Section 82013 is not required  
39 to file the statements specified in Section 84200.7.

40 ~~(e)~~

(f) During an even-numbered year in which the statewide direct primary election is held on a date other than the first Tuesday after the first Monday in June, a state or county general purpose committee formed pursuant to subdivision (a) of Section 82013, other than a political party committee as defined in Section 85205, shall file the preelection statements specified in Section 84200.8 if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement. A state or county general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the statements specified in Section 84200.8.

*(g) During an election period for the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board, a state or county general purpose committee formed pursuant to subdivision (a) of Section 82013 shall file the preelection statements specified in Section 84200.9 if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement. A state or county general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the statements specified in Section 84200.9.*

~~(f)~~

(h) A political party committee as defined in Section 85205 shall file the applicable preelection statements specified in Section 84200.7 or 84200.8 in connection with a state election if the committee receives contributions totaling one thousand dollars (\$1,000) or more, or if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more, during the period covered by the preelection statement.

~~(g)~~

(i) City general purpose committees shall file statements as follows:

(1) City general purpose committees in a city ~~which~~ *that* has an election on the first Tuesday after the first Monday in June or November of an even-numbered year shall file the statements specified in subdivision (a) or (b) of Section 84200.7 for the six-month period in which the city election is held, if they make contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement.

(2) City general purpose committees in a city ~~which~~ *that* has an election on a date other than the first Tuesday after the first Monday in June or November of an even-numbered year shall file the preelection statements specified in Section 84200.8 if they make contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement.

SEC. 7. Section 84200.9 is added to the Government Code, to read:

84200.9. Preelection statements for an election period for the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board shall be filed as follows:

(a) For the period ending five days before the beginning of the ballot period, as determined by the relevant board, a statement shall be filed no later than two days before the beginning of the ballot period.

(b) For the period ending five days before the deadline to return ballots, as determined by the relevant board, a statement shall be filed no later than two days before the deadline to return ballots.

(c) In the case of a runoff election, for the period ending five days before the deadline to return runoff ballots, as determined by the relevant board, a statement shall be filed no later than two days before the deadline to return runoff ballots.

(d) All candidates being voted upon, their controlled committees, and committees primarily formed to support or oppose a candidate being voted upon in that election shall file the statements specified in subdivisions (b) and (c) by guaranteed overnight delivery service or by personal delivery.

SEC. 8. Section 84215 of the Government Code is amended to read:

84215. All candidates and elected officers and their controlled committees, except as provided in ~~subdivision~~ *subdivisions* (e) *and (f)*, shall file one copy of the campaign statements required by Section 84200 with the elections official of the county in which the candidate or elected official is domiciled, as defined in subdivision (b) of Section 349 of the Elections Code. In addition, campaign statements shall be filed at the following places:

(a) Statewide elected officers and candidates for these offices other than the Board of Equalization, supreme court justices, their controlled committees, committees formed or existing primarily



1 to support or oppose these candidates, elected officers, supreme  
2 court justices, or statewide measures, or the qualification of state  
3 ballot measures, and all state general purpose committees and filers  
4 not specified in subdivisions (b) to ~~(e)~~ (f), inclusive:

5 (1) The original and one copy with the Secretary of State.

6 (2) One copy with the Registrar-Recorder of Los Angeles  
7 County.

8 (3) One copy with the Registrar of Voters of the City and County  
9 of San Francisco.

10 (b) Members of the Legislature or Board of Equalization, court  
11 of appeal justices, superior court judges, candidates for those  
12 offices, their controlled committees, and committees formed or  
13 existing primarily to support or oppose these candidates or  
14 officeholders:

15 (1) The original and one copy with the Secretary of State.

16 (2) One copy with the elections official of the county with the  
17 largest number of registered voters in the districts affected.

18 (c) Elected officers in jurisdictions other than legislative  
19 districts, Board of Equalization districts, or appellate court districts  
20 that contain parts of two or more counties, candidates for these  
21 offices, their controlled committees, and committees formed or  
22 existing primarily to support or oppose candidates or local  
23 measures to be voted upon in one of these jurisdictions shall file  
24 the original and one copy with the elections official of the county  
25 with the largest number of registered voters in the jurisdiction.

26 (d) County elected officers, candidates for these offices, their  
27 controlled committees, committees formed or existing primarily  
28 to support or oppose candidates or local measures to be voted upon  
29 in any number of jurisdictions within one county, other than those  
30 specified in subdivision (e), and county general purpose committees  
31 shall file the original and one copy with the elections official of  
32 the county.

33 (e) City elected officers, candidates for city office, their  
34 controlled committees, committees formed or existing primarily  
35 to support or oppose candidates or local measures to be voted upon  
36 in one city, and city general purpose committees shall file the  
37 original and one copy with the clerk of the city. These elected  
38 officers, candidates, and committees need not file with the elections  
39 official of the county in which they are domiciled.

(f) *Elected members of the Board of Administration of the Public Employees' Retirement System, elected members of the Teachers' Retirement Board, candidates for these offices, their controlled committees, and committees formed or existing primarily to support or oppose these candidates or elected members shall file the original and one copy with the Secretary of State, and a copy shall be retained at the relevant board's office in Sacramento. These elected officers, candidates, and committees need not file with the elections official of the county in which they are domiciled.*

(f)

(g) Notwithstanding ~~the above~~ any other provision of this section, a committee, candidate, or elected officer is not required to file more than the original and one copy, or one copy, of a campaign statement with any one county elections official or city clerk or with the Secretary of State.

(g)

(h) If a committee is required to file campaign statements required by Section 84200 or 84200.5 in places designated in subdivisions (d) and (e), it shall continue to file these statements in those places, in addition to any other places required by this title, until the end of the calendar year.

SEC. 9. Section 84225 of the Government Code is repealed.

84225. (a) ~~For the purposes of this section only, "board" means the Board of Administration of the Public Employees' Retirement System, as established under Article 1 (commencing with Section 20090) of Chapter 2 of Part 3 of Division 5 of Title 2 of the Government Code.~~

(b) ~~Except as provided in this section, the provisions of this article do not apply to candidates for the board, including incumbent board members running for reelection, as such candidates are described in subdivision (g) of Section 20090.~~

(c) ~~Candidates for board seats described in subdivision (g) of Section 20090, including incumbent board members running for reelection, shall file campaign statements with the Secretary of State no later than two days before the beginning of the ballot period, as determined by the board, for the period ending five days before the beginning of the ballot period, and no later than January 10, for the period ending December 31.~~

(1) ~~The campaign statements shall contain an itemized report that is prepared on a form prescribed by the commission, with the~~

1 assistance of the board, that provides the information contained in  
2 campaign statements required under Section 84211 to the extent  
3 that the information is applicable to a board election.

4 (2) ~~The original of a campaign statement shall be filed with the~~  
5 ~~Secretary of State and a copy shall be retained at the board's office~~  
6 ~~in Sacramento and is a public record.~~

7 SEC. 10. Section 84225 is added to the Government Code, to  
8 read:

9 84225. The provisions of this title apply to candidates for  
10 election to the Board of Administration of the Public Employees'  
11 Retirement System or the Teachers' Retirement Board, and to  
12 committees formed or existing primarily to support or oppose those  
13 candidates. The Commission may adopt regulations to tailor the  
14 reporting and disclosure requirements for these candidates and  
15 committees consistent with the purposes and provisions of this  
16 title.

17 SEC. 11. Section 85204 of the Government Code is amended  
18 to read:

19 85204. "Election-cycle" *cycle*," for purposes of Sections 85309  
20 and 85500, means the period of time commencing 90 days prior  
21 to an election and ending on the date of the election. *For purposes*  
22 *of the Board of Administration of the Public Employees' Retirement*  
23 *System and the Teachers' Retirement Board, "the date of the*  
24 *election" is the deadline to return ballots.*

25 SEC. 12. No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the only costs that may be incurred by a local agency or school  
28 district will be incurred because this act creates a new crime or  
29 infraction, eliminates a crime or infraction, or changes the penalty  
30 for a crime or infraction, within the meaning of Section 17556 of  
31 the Government Code, or changes the definition of a crime within  
32 the meaning of Section 6 of Article XIII B of the California  
33 Constitution.

34 SEC. 13. The Legislature finds and declares that this bill  
35 furthers the purposes of the Political Reform Act of 1974 within  
36 the meaning of subdivision (a) of Section 81012 of the Government  
37 Code.